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SUBJECT: PROSECUTOR SINKS CASE AGAINST CORRUPT ADMIRAL

CLASSIFIED BY: William R. Brownfield, Ambassador; REASON: 1.4(B), (D)

¶1. (C) SUMMARY: The Prosecutor General's Office (Fiscalia) and the Inspector General's Office (Procuraduria) unexpectedly reversed course and called for all charges to be dropped in the case against retired Rear Admiral GarbrielArangoBacci for alleged links with narco-trafficking. In addition, both legal entities are now calling for an investigation of Navy Commander Guillermo Barrera, who relieved ArangoBacci and referred his case to the civilian criminal courts. While respecting Colombian jurisprudence, Ambassador Brownfield publicly asserted that the USG had a legitimate interest in the case in which ArangoBacci is accused of leaking to narco-traffickers the details of U.S. and Colombian interdiction patrols. The Ambassador also commended the Navy for pressing the case against ArangoBacci transparently through the civilian justice system. In response to the Ambassador's statement, a hostile Supreme Court magistrate accused him of meddling in a domestic issue. If ArangoBacci is released, it effectively sends the message that flag-rank officers are nearly immune from prosecution, which could have a negative impact on human rights cases involving senior military officials. End Summary.

¶2. (C) Rear Admiral Gabriel ArangoBacci was forced to retire in 2007 on suspicion of drug trafficking, based on convincing evidence that he had conspired with drug traffickers to help them evade U.S. and Colombian interdiction patrols. A military tribunal found ArangoBacci guilty of accepting a \$115,000 bribe in exchange for alerting drug traffickers to patrol coordinates and even ordering the movement of a Colombian frigate. Navy Commander Admiral Guillermo Barrera took the additional step of referring Arango Bacci's case to the civilian Prosecutor General's Office for criminal charges; the case was nearing a guilty verdict by mid-2009. However, in an unusual turn of events, on November 3 a prosecutor newly assigned to the case by Acting Prosecutor General Guillermo Mendoza Diago petitioned the Supreme Court to absolve ArangoBacci. The new prosecutor claimed the investigation had not provenArangoBacci's guilt, adding that Admiral Barrera had falsely accused ArangoBacci to ruin his naval career - an assertion the defendant has made since his arrest. A prosecutor assigned to the Prosecutor General's office alleged that witnesses againstArangoBacci were tainted because "they had contact with the DEA and CIA." Both the Prosecutor General's Office and the Inspector General's Office denounced the Navy for framing Arango Bacci and have called on the Supreme Court to investigate Admiral Barrera and other senior officers for falsifying evidence.

¶3. (C) During a justice sector conference in Boyaca Department on November 5, the Ambassador raised the case privately with the

Supreme Court President, Prosecutor General, and Inspector General. He also told press that, while the case was a matter for the Colombian courts to decide, the United States maintained a clear interest in its outcome. He commended Colombian Navy leadership for referring the case to civilian prosecutors, thus avoiding accusations of a cover-up. The Ambassador also privately raised the issue with Minister of Defense Silva, who thanked the Ambassador for his public statement in a corruption case that had damaged the military's reputation. Silva said that if he was to prosecute senior officers for abuses, he needed some public support. In response to the Ambassador's comments, Supreme Court Magistrate Alfredo Gomez Quintero - a consistent foe of extradition and of U.S. policy in Colombia - blasted him for interfering in an internal matter and demanded that the Ambassador present the alleged evidence implicating Arango. Supreme Court President Augusto Ibanez, however, publicly downplayed the Ambassador's comments. On November 9, the Supreme Court's Penal Chamber denied a defense motion to grant conditional liberty for ArangoBacci while his case is being resolved.

14. (C) COMMENT: It is not clear what prompted the Prosecutor General's Office and Inspector General's about face on Arango Bacci, though many Ministry of Defense officials suspect corruption is involved. Embassy contacts have told us that, despite the Court's refusal to release ArangoBacci, the concurrence of both the Prosecutor General and Inspector General for dismissal make it highly likely that the case will be dropped. DEA cautions that the criminal case against the rear admiral began as an intelligence case and, as a result, was never rock-solid. The initial intelligence suggesting Arango's narco-trafficking links could not

be presented as evidence in the criminal proceedings - essentially creating an opportunity for the Fiscalía to find shortcomings with the case. Still, the sudden insignificance of 150 pages of previously submitted evidence is disturbing. The call to absolve ArangoBacci and to investigate the whistleblowers are serious setbacks for the Colombian justice system. Moreover, we are keenly aware of the wider message here that trying a flag-rank officer in Colombia is not only difficult but also risky, a serious concern as the USG pushes for prosecution of high-level military officers accused of human rights abuses. End Comment.  
BROWNFIELD